

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Jerome De Luca on 10/21/09. During the interview the Attorney agreed to change the dependency of claim 5 to claim 2 and the cancellation of claims 48-50 and 116-125.

### **Notice to Applicant**

2. This communication is in response to the Pre-Appeal Brief filed on 9/02/09. Claims 1, 4, 48-50, 51-115, and 116-125 have been cancelled. Claims 2, 3, 5-47 are pending.

3. A Pre-Appeal conference has been held on 10/13/09 and decided that the previous Office Action to be withdrawn, therefore a New Office Action is hereby presenting.

4. In view of the Pre-Appeal Brief filed on 9/2/09, PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 C.F.R 1.111 (if this Office action is non-final) or a reply under 37 C.F.R 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplement appeal brief, but no new amendments, affidavits (37 C.F.R 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 C.F.R 1.193) (b) (2).

### ***Allowable Subject Matter***

5. Claims 2-3 and 5-47 are allowed. The following is an examiner's statement of reasons for allowance.

Independent claim 2 is directed to a method comprising: storing information regarding a first medicine; wirelessly communicating a signal between a first container adapted to store the first medicine and a second container, the second container adapted to store a second medicine, the signal including an indication of a number of times that the second container is beyond a range in which the first container is able to communicate with the second container; and generating at least one code based at least in part on the signal, the at least one code indicating whether at least one party has complied with a schedule for taking the first medicine and the second medicine.

The closest prior art of record: Reber et al. (5,950,632) discloses medical communication apparatus, system and method.

de la Huerga (6,529,446) discloses interactive medication container.

Yarin (6,294,999) discloses systems and methods for monitoring patient compliance with medication regimens.

However, the combination of Reber, de la Huerga and Yarin fails to teach or suggest “a method comprising: storing information regarding a first medicine; wirelessly communicating a signal between a first container adapted to store the first medicine and a second container, the second container adapted to store a second medicine, the signal including an indication of a number of times that the second container is beyond a range in which the first container is able to communicate with the second container; and generating at least one code based at least in part on the signal, the at least one code indicating whether at least one party has complied with a schedule for taking the first medicine and the second medicine”, as recited in claim 1 above.

Claims 3 and 5-47 incorporate the features of claim 1 through its dependency, and are also allowed for the same reasons given above.

The drawings filed on 6/30/00 have been acknowledged and considered by the Examiner.

Art Unit: 3687

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/609,253  
Art Unit: 3687

Page 6

/Vanel Frenel/

Primary Examiner, Art Unit 3687

October 22, 2009